

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

VALERY C. NGAH,

Defendant

*
*
*
*
*
*
*
*
*

Case No. 18-po-2388

MEMORANDUM OPINION AND ORDER OF COURT

This matter is before the Court on Defendant's Motion to Withdraw Guilty Plea under Fed. R. Crim. P. 11 (ECF No. 19) after Defendant pleaded guilty to driving under the influence of alcohol, in violation of 36 C.F.R. § 4.23(a)(1), and to refusing to take a chemical test, in violation of 36 C.F.R. § 4.23(c) (ECF No. 16). Under Fed. R. Crim. P. 11(e), after the Court imposes sentence, a defendant may not withdraw a plea of guilty, and the plea may be set aside only on direct appeal or collateral attack. *See United States v. Fisher*, 711 F.3d 460, 464 (4th Cir. 2013) ("After the imposition of a sentence, a guilty plea may be set aside pursuant to 28 U.S.C. § 2255."). Because Defendant now may not withdraw his guilty plea under Fed. R. Crim. P. 11(d), his Motion to Withdraw Guilty Plea (ECF No. 19) is **DENIED**.

Date: August 23, 2018

/s/
Thomas M. DiGirolamo
United States Magistrate Judge